

The § 102(e) rejections

Claims 1-19, 21-26, and 28-39 were rejected as anticipated by U.S. Patent 5,627,255 issued to Fink et al. Fink et al. discloses a system for modeling a multi-variable biological system wherein the model is built by linking one or more biological subsystems together. The resulting model is used to understand the interaction between the various subsystems, how one subsystem effects and/or relates to the other subsystems, and thus, how the resultant system reacts to a drug or treatment regimen input.

Applicant respectfully submits that Claims 1 and 37-39 are not anticipated by Fink et al. In Fink et al. a user specifies a particular disease aspect to model, and from this specification a determination is made as to which building blocks to use in modeling the particular disease aspect. In contrast, in accordance with at least one embodiment of the invention, the present invention provides a method and a system **to evaluate the user**, in part, based on **a user profile**. The user's profile determines the evaluating system and method. Fink et al., on the other hand, is concerned with creating a model of a biological system and using the model to understand the specified system as a whole and how its component parts interact and affect the whole. In Fink et al. the user's knowledge is not being tested nor is the system created in response to the user's profile, in at least one embodiment of the present invention.

Further, Fink et al. does not teach **generating a patient history**. Fink et al. discloses a model created by linking together a number of biological subsystems to create an overall system in which it is possible to drill down from the highest level system to the lower level subsystems, i.e., tracing a biological variation back to a specific genetic variation. However, Fink et al. does not disclose, for example, a system for **selecting genetic information of the patient and generating a patient history**.

Moreover, Fink et al. fails to disclose, for example, **evaluating the user responsive to the at least one intervention input by the user and the predetermined criteria**. Fink et al. discloses a system capable of receiving input, in the form of a drug or treatment regimen, after which the model outputs the clinical status or clinical results from applying the treatment, however it is the model that is evaluated only. In the present

invention, for example, the user is evaluated based on **at least one intervention input by the user and the predetermined criteria.**

In addition, the Examiner's reference to Columns 6 and 13 of Fink et al. do not at all relate to the present invention.

Accordingly, Applicants deem this rejection overcome and respectfully request withdrawal thereof. The remaining dependent claims should be also allowed at least for the reasons noted herein, as well as the additional limitations cited therein, in combination.

The § 103(a) rejections

Claims 20 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fink et al. Applicant respectfully traverses this rejection.

For the same reasons noted above, Fink et al. does not teach the computer implemented simulation and evaluation method according to claim 5 and therefore it would not have been obvious to one of ordinary skill in the art to include any one of the specific relationships listed in claim 20.

Further, and again for the same reasons noted above, Fink et al. does not teach the computer implemented simulation and evaluation method according to claim 1 and therefore, it would not have been obvious to one of ordinary skill in the art to apply a Monte Carlo process to generate a plurality of potential patient histories as recited in claim 27 in combination. The Examiner admits in the office action that these features are not shown or suggested by Fink et al.

In addition, Applicants strongly disagree with the Examiner's personal findings that the specific features recited in claim 27 are well known. First, Fink, et al. does not teach the combination of **selecting genetic information of the patient, generating a patient history, and evaluating the user responsive to the at least one intervention input by the user and the predetermined criteria, or using a Monte Carlo process in combination.** Accordingly, Applicant requests the Examiner to provide an affidavit under

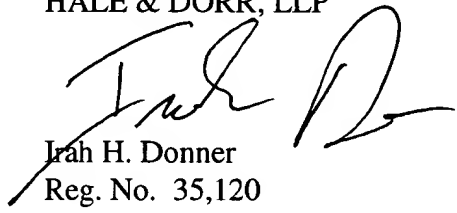
37 CFR §1.104(d)(2) describing in detail why these features are well known, in combination with the remaining features of claim 27.

Accordingly, Applicants deem this rejection overcome and respectfully request withdrawal thereof.

If there are any issues outstanding after consideration of the above remarks, the Examiner is invited to contact the undersigned to expedite prosecution of this case.

Respectfully submitted,

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